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July 1, 2024

Hon. Robert W. Lehrburger  
United States Magistrate Judge  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: Diana Martinez v. United States of America  
19 CV 5582 (RWL)

Honorable Sir:

As this Honorable Court is aware, I represent the plaintiff in the above captioned medical malpractice matter. Please allow this letter to serve as a follow up to Plaintiff's June 13, 2024 status update and request for a Discovery Conference regarding outstanding discovery issues. (*See* Docket Number 60).

In the last correspondence, we informed the Court the only remaining deposition in this matter is that of Steven H. Gottesfeld, M.D., which was confirmed for July 30, 2024. However, on June 28, 2024, we were contacted by Dr. Gottsfeld informing us that he is having surgery this week. The recovery time for the surgery is normally eight (8) weeks. As such, he has indicated he cannot appear for the July 30, 2024 deposition.

Because, as of the filing of this letter, he has not yet had the surgery, Dr. Gottsfeld was unable to confirm when he would be available for his deposition. This puts the parties in a bind. Presuming, eight weeks, that would suggest he may be available sometime in mid-September 2024. However, any delay and the parties are looking at the deposition occurring in October 2024. That then raises issues of availability of all parties because of the Jewish Holidays.

As noted in the previous status update, the parties believe Dr. Gottesfeld's testimony will close out fact discovery in this matter. Therefore and regretfully, the parties must again request an extension of the discovery deadlines. This office has contacted the US Attorney's Office, and they are amenable to this extension. In keeping with this Honorable Court's rules, please see the proposed Amended Coordination and Pretrial Discovery Order attached hereto as Exhibit "A".

As always, in the alternative, Plaintiff would be happy to appear for a discovery conference. While this has been offered as an alternative in the previous status updates, Plaintiff believes it might be preferable this time to discuss how this Honorable Court would like the parties to proceed so that this case moves forward but without prejudicing the rights of anyone given the currently uncertainty as to when Dr. Gottsfeld will be available to testify.

Thank you for your attention to this matter.

Respectfully submitted,

*Robert J. Genis*

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CC:

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